

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ETHAN SANDERS, a minor, by and through
his Guardian ad Litem BRUCE A. WOLF;
and ZWANDI MANNEY and ERIC
SANDERS,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

Case No. C05-5353RBL

SUPPLEMENTAL ORDER

Following the Court's recital of its findings of fact and conclusions of law, the government withdrew its request that the Court enter a judgment which provides for the periodic payment of future economic damages. Accordingly, paragraph 9 of the findings of fact and conclusions of law is stricken.

In addition, the award of future costs of care as contained in the Court's findings and conclusions is based, in part, on the Court's rejection of the government's request that the cost of future care reflect the availability of medical goods and services through third parties (government, schools, charities) at no cost to Ethan Sanders. The Court rejected the government's argument for the reasons expressed by the Court during oral argument on October 12, 2006. The reasons can be summarized as follows:

- 1) RCW 7.70.80 refers to evidence of damages which have already been incurred. It does not further restrict the collateral source rule insofar as evidence of the cost of long term future care is concerned.

2) The Court will not, in its damage award, compel Ethan Sanders to utilize services that may not be available to him locally or may not represent the best alternative for needed services.

IT IS SO ORDERED.

DATED this 16th day of October, 2006.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE